

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

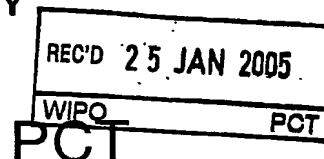
| | | | |
|--|---|---|------------------|
| Applicant's or agent's file reference PHNL031228WO | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/IB2004/051910 | International filing date (<i>day/month/year</i>) 29 September 2004 (29.09.2004) | Priority date (<i>day/month/year</i>) 06 October 2003 (06.10.2003) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V. | | | |

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|---|---|---------------------|-------------------------------------|----------|--------------------------------------|--|-------------------------------------|----------------------------|---|---|-------------------------------------|-------------------------|--------------------------------------|--|---------------------------------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p> | | | | | | | | | | | | | | | | |
| <p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> Box No. I | Basis of the report | <input type="checkbox"/> Box No. II | Priority | <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> Box No. VI | Certain documents cited | <input type="checkbox"/> Box No. VII | Certain defects in the international application | <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I | Basis of the report | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. II | Priority | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. VI | Certain documents cited | | | | | | | | | | | | | | | |
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| <input type="checkbox"/> Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | |

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| <p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p> | <p>Date of issuance of this report 10 April 2006 (10.04.2006)</p> |
| | <p>Authorized officer</p> <p style="text-align: center;">Idhir Britel</p> <p>Telephone No. +41 22 338 70 60</p> |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/051910

International filing date (day/month/year)
29.09.2004

Priority date (day/month/year)
06.10.2003

International Patent Classification (IPC) or both national classification and IPC
H04N5/00, H04N7/24

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051910

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051910

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|----------|
| Novelty (N) | Yes: Claims | |
| | No: Claims | 1-7,9-15 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 8 |
| Industrial applicability (IA) | Yes: Claims | 1-15 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: WO9519076, Scientific Atlanta Inc., 13-07-1995
D2: WO03058961, Koninklijke Philips Electronics N.V., 17-07-2003

1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1,6,7,11,12,13,14,15 is not new in the sense of Article 33(2) PCT. Furthermore, none of the dependent claims in the present application seems to meet the criteria of Article 33(1) PCT.

2 Independent Claims 1,6,7,11,12,13,14,15 - Novelty
Claim1

The document D1 discloses (the references in parentheses applying to this document):

" A system for distributing a signal carrying a plurality of services (see D1, page 3, lines 9 - 15, page 7, lines 22-31, page 11, lines 19- 28, figure 1, elements BS1..BSn), the system comprising:

a transmitter for generating numbering information pertaining to the plurality of services, for including the numbering information into the signal, and for transmitting the signal, (see D1, page 2, line 36 - page 3, line 6, page 3, lines 18-25, page 4, lines 1-33, page 9, lines 21-34, page 11, lines 19-28, page 13, lines 1-20, page 14, lines 27-34, figures 2, 3, elements 46,48, figure 7)

a receiver for receiving the signal, for retrieving the numbering information from the signal, and for numbering services of the plurality of services in dependence of the numbering information (see D1, page 3, line 25 - page 4, line 20, page 9, lines 22-34, page 11, lines 19-28, page 13, lines 21-35, page 17, lines 3-21, page 21, lines 21-32, figure 6, element 92, figure 7)."

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Consequently, the subject-matter defined in Claim 1 is therefore known from D1, and thus it is not new.

Claim 6

Claim 6 refers to a transmitter device as defined in the subject-matter of Claim 1. The same reasoning as for Claim 1 thus applies therefore to the subject-matter of the independent Claim 6, which therefore is also considered as not new.

Claim 7

Claim 7 refers to a receiver device as defined in the subject-matter of Claim 1. The same reasoning as for Claim 1 thus applies therefore to the subject-matter of the independent Claim 7, which therefore is also considered as not new.

Claim 11

Claim 11 refers to a signal as defined in the subject-matter of Claim 1. The same reasoning as for Claim 1 thus applies therefore to the subject-matter of the independent Claim 11, which therefore is also considered as not new.

Claim 12

The subject-matter of Claim 12, in the category of computer program product, is as well disclosed by D1. See D1, page 3, line 25 - page 4, line 20, page 9, lines 22-34, page 11, lines 19-28, page 13, lines 21-35, page 17, lines 3-21, page 21, lines 21-32, figure 6, element 92, figure 7.

Claim 13

The subject-matter of Claim 13, in the category of method, corresponds to the subject-matter of Claim 1, in the category of system, and same reasoning applies, mutatis mutandis, to Claim 13.

Claim 14

The subject-matter of Claim 14, in the category of method, corresponds to the subject-matter of Claim 6, in the category of device, and same reasoning applies, mutatis mutandis, to Claim 14.

Claim 15

The subject-matter of Claim 15, in the category of method, corresponds to the subject-matter of Claim 7, in the category of system, and same reasoning applies, mutatis mutandis, to Claim 15.

3 Dependent Claims 2-5,8-10 - Novelty and inventive step

The subject-matter defined in dependent Claims 2-5,9-10 is also known from available Prior Art.

For Claims 2-5, dependent on Claim 1, see D1, page 2, line 32 - page 3, line 6, page 3, lines 18-25, page 4, lines 1-33, page 9, lines 21-34, page 11, lines 19-28, page 13, lines 1-35, page 14, lines 27-34, figures 2, 3, elements 46,48, figure 7.

For Claims 9-10, dependent on Claim 7, see D1, page 11, lines 19-28, page 13, lines 21-35, page 21, lines 21-32, figure 2, 3, elements 46, 48.

Consequently, the subject-matter of the mentioned claims 2-5 and 9-10 is known from D1 and thus it is not new.

Dependent Claim 8 - Inventive step

Claim 8, dependent on Claim 7, is directed to solve the problem of how to arrange the numbering of the services while providing the user with automatic best choices among the available services. A person working with the arrangements of D1 would consider as highly beneficial to feature them with such automatic arrangement. In this respect he would not disregard the teachings of D2, arriving in an obvious manner to the subject-matter of the mentioned claim.

Consequently, the subject-matter of Claim 15 lacks of inventive step.

Therefore the mentioned dependent Claims 2-5, 8-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty/inventive step (Article 33(2) and (3) PCT).

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/051910

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